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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,434	05/29/2001	Sun Young Han	MR2685-80	3919

4586 7590 05/27/2004

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,434

Applicant(s)

HAN ET AL.

Examiner

Mark Fadok

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (6,418,415) in view of Official Notice.

In regards to claim 1, Walker discloses a tag-on ordering system using the Internet for use in a product ordering system which determines to produce a product

only in the case that a minimum production quantity is secured, the tag-on ordering system comprising:

a number of purchaser's terminals, each of which is used for a respective purchaser is connected to the Internet, in which a web browser is mounted to enable a purchaser to purchase products on an on-line basis (FIG 2)

at least one supplier's terminal, each of which is used for a supplier is connected to the Internet to enable the supplier to supply products to a purchaser, in which a web browser is mounted FIG 3); and

a system server which is connected to the Internet, in which product information is displayed on a website called a home page when the product information including a minimum supply condition of a supplier's product is received through the supplier's terminal, and

a determination of production with respect to a corresponding product is notified to the supplier's terminal,

if a total sum of purchasing quantities of respective purchasers requested via the purchaser's terminal meet the minimum supply condition of the supplier, when the respective purchasers request for the respective purchasing quantities each of which fails the minimum supply condition on the home page. Walker teaches aggregating buyer orders using rules established by a seller for accepting Conditional Product Offers (CPO) (FIG 8 and FIG 2), but does not specifically mention that one of the rules to accept a CPO is minimum order quantity. It was old and well known at the time of the invention to specify a minimum order quantity when accepting a buyer's order. It would

have been obvious to a person having ordinary skill in the art to include in Walker a minimum order quantity by which an order would be accepted, because this would prevent accepting an order when the economies of scale were not present thus saving the company a potential loss.

In regards to claim 2, Walker teaches wherein said system server comprises:

a supplier's database (DB) storing registration information of a supplier producing and delivering a product;

a purchaser's DB storing registration information of a purchaser who desires to purchase a product;

a product information DB storing product information of the product supplied from the supplier;

a home page DB storing home page data and board information necessary for running the system server 30; and

a web server for managing data of each DB, enabling supplying and purchasing activities of the supplier and purchaser, and managing an Internet connection of the system server (FIG 2).

In regards to claim 3, Walker teaches wherein said system server substitutes the function of the supplier's terminal in the case that the system server operator receives an order from each purchaser and produces and delivers the product (FIG 14B).

In regards to claim 4, Walker discloses a tag-on ordering method using the Internet for use in a product ordering method whose production is determined only in the case that a minimum production quantity is secured, the tag-on ordering method comprising the steps of:

(a) registering product information including a minimum supply condition of a product which can be supplied from at least one supplier on a website called a home page in a system server;

(b) receiving an order with respect to each registered product until a determined order receiving due date;

(c) comparing a total purchasing quantity of purchasing orders with respect to each registered product with a minimum supply quantity in the minimum supply condition registered by the supplier (see response to claim 1); and

(d) giving up production or extending the order receiving due date if the total sum of ordered quantities with respect to each product is smaller than the minimum supply quantity, or producing and delivering the product to each purchaser if the former is larger than the latter. Walker/Official Notice teach aggregating minimum supply orders, expiration dates (FIG 13B) and not accepting a CPO based on failure to meet rules (FIG 15). Walker, however, does not specifically mention extending the due date if the minimum quantity has not been met. It was old and well known in the art at the time of the invention to extent a bidding date till a minimum quantity was received. It would have been obvious to a person having ordinary skill in the art to include in Walker,

extending the bidding till a minimum order quantity was received, because this would create a situation where additional offers could be presented and an acceptable order quantity could eventually be received by the seller, thus saving a sale that otherwise would have been lost if the offer to sell the product was pulled to early.

In regards to claim 5, Walker teaches wherein said step (c) of comparing the total ordered quantity of each purchaser with the supplier's minimum supply quantity, further comprises the steps of judging whether an additional order is received from other purchasers and the product is additionally produced and delivered, in the case that the purchased quantity exceeds the minimum production quantity of the supplier (see response to claim 4 and FIG 13B).

In regards to claim 6, Walker teaches wherein at the step (a) of registering the product information, said product information comprises a product name, a product image, a supplier, the place of origin, a constituent, a color, a use, a specification, a price, and a minimum production quantity, and an order receiving due date. Walker teaches a seller database and rules database for storing information and conditions set forth by the seller, but does not specifically mention that the product information supplied by the seller includes all the items listed in the instant claim. Providing information about a product has been known to include any number of required distinguishing pieces of information that assures that ample information is provided to effect the transaction. It would have been obvious to a person having ordinary skill in

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the art to include in Walker the information of the instant claims and possibly more, because the more information that is provided the more information that is available to assist in a smooth conclusion to the sale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner